

Appln. No. 10/065,486  
Docket No. 124695/GEM-0058

## REMARKS / ARGUMENTS

### Status of Claims

Claims 1-3, 5-11, 13-17 and 21-31 are pending in the application and stand rejected. Claims 1-3, 5-11, 13-17 and 21-31 are objected to because of informalities. Applicant has cancelled Claims 11 and 13, has amended Claims 1, 2, 5, 9, 10, 14, 16, 17 and 21, and has added new Claim 32-35, leaving Claims 1-3, 5-10, 14-17 and 21-35 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### Objections to the Drawings

The Office action states that drawings filed 12/02 are objected to because of an informality relating to the labeling, or lack thereof, of replacement sheets.

Applicant respectfully submits that no replacement drawings sheets were filed 12/02, and no such filing is present in PAIR. As such, Applicant considers this objection to be misdirected.

In view of there being no drawing replacement sheets filed 12/02, Applicant submits that this objection is moot and respectfully requests reconsideration and withdrawal thereof.

### Claim Objections

Claims 1-3, 5-11, 13-17 and 21-31 are objected to because of informalities, more specifically informalities relating to Claims 1, 2, 9, 10, 11, 13, 14, 16, 17 and 21.

Applicant has cancelled Claims 11 and 13, and has amended Claims 1, 2, 9, 10, 14, 16, 17 and 21 as set forth above to overcome these objections.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections, which Applicant considers to be overcome.

Appln. No. 10/065,486  
Docket No. 124695/GEM-0058

**Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 5, 16, and 22 stand rejected under 35 U.S.C. §112, second paragraph, as containing a broader limitation than the claims from which they depend.

Applicant has amended Claims 5, 16 and 22 to employ language commensurate with language of the respective parent claim.

Accordingly, Applicant respectfully requests reconsideration and withdrawal this rejection, which Applicant considers to be overcome.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1-3, 5-7, 9-11, 13-16, 21, 22, 24, 26, 27, and 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eisenberg et al. (U.S. Publication No. 2003/0128801 A1, hereinafter Eisenberg) in view of Barni (U.S. Patent No. 6,473,634 B1, hereinafter Barni).

Claims 8, 17 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eisenberg in view of Barni as applied to Claims 1, 15, and 21 and further in view of Shao et al. (U.S. Publication No. 2003/0233039, hereinafter Shao).

Claims 25 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eisenberg in view of Barni as applied to claim 24 and further in view of Hu et al. (U.S. Patent No. 6,073,041, hereinafter Hu).

Applicant overcomes these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Each of independent Claims 1, 9, 15, 21 and 24 include language directed to:

Appin. No. 10/065,486  
Docket No. 124695/GEM-0058

“processing said target area by *subdividing said target area* in the axial direction *into multiples of an increment of the overall detector coverage* in the axial direction so as to create a plurality of sub-target areas of interest”.

Here, Applicant is claiming a method/system where the target area is subdivided in a certain specified manner by segmenting the target area into *multiples of an increment of the overall detector coverage*. Said another way, the target area has a defined dimension in the axial direction, which is subdivided into multiple segments, with each segment having a dimension of the overall detector coverage (multiples of an increment of the overall detector coverage).

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

In alleging obviousness, the Office action relies upon the disclosure in Eisenberg for teaching the above-noted claim limitation. However, in so doing, the Office action merely states that Eisenberg discloses “the acquisition of an image of a target area including the acquisition of data in a plurality of sub-target areas corresponding to individual detector elements” (Office action, page 4), and does not specifically address the claim limitation directed to “*subdividing said target area* in the axial direction *into multiples of an increment of the overall detector coverage*”.

In comparing Eisenberg with the claimed invention, Applicant finds Eisenberg to disclose an imaging system where the gantry 20 can move laterally with respect to the table 22, and where detector arrays 26 (detector elements illustrated in Figure 2) rotate with respect to the gantry 20 and table 22 (paragraph [0054]). However, Applicant finds no disclosure, teaching or suggestion of the target area (portion of patient being imaged) being subdivided in the axial direction *into multiples of an increment of the overall detector coverage*.

From the Office action (page 4), it appears that the “individual detector elements” of Eisenberg are relied upon for disclosure of “subdividing said target area”. However, Applicant submits that such a subdivision would not result in the target area being subdivided into *multiples of an increment of the overall detector coverage*, since the

Appl. No. 10/063,486  
Docket No. 124695/GEM-0058

overall detector coverage of Eisenberg is larger than each individual detector element of Eisenberg. Rather, Applicant finds Eisenberg to disclose subdividing the target area (by way of the individual detector elements) into multiples of an increment (of something), where the dimension of the increment is a fraction of the overall detector coverage, which Applicant submits is substantially different from the claimed invention.

In comparing the secondary references of Barni, Shao and Hu with the claimed invention, Applicant finds each secondary reference to be absent a cure for the above noted deficiencies of Eisenberg. The deficiencies of Barni, Shao and Hu are described in much detail in Applicant's reply paper dated July 3, 2007, which are herein incorporated by reference rather than unnecessary repetition.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be overcome.

In light of the forgoing, Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103(a), have been overcome, and respectfully requests reconsideration and withdrawal of these rejections.

The arguments and amendments presented herein are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. The claims have not been amended to overcome the prior art and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which the Applicant is entitled has been

Appin. No. 10/065,486  
Docket No. 124695/GEM-0058

surrendered, as such claim amendments are considered merely tangential to patentability. Allowance of the claims is respectfully requested in view of the above remarks.

Moreover, no amendments as presented alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection.

**Newly Added Claims 32-35**

Applicant has added new Claims 32-35 to capture originally disclosed but previously unclaimed subject matter. No new matter has been added as antecedent support can be found in the application as originally filed, such as at paragraphs [0043] (disclosing step-and-shoot acquisition) and [0045] (disclosing subdivisions being 2cm and detector overall coverage being 2cm), for example.

Applicant submits that Claims 32-35 are allowable at least for the reason that they depend from an allowable parent claim, and also for the reason that the prior art of record fails to disclose, teach or suggest each and every element of the claimed invention either arranged as claimed or arranged so as to perform as the claimed invention performs.

Accordingly, Applicant respectfully requests notice of allowance of at least Claims 32-35.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any remaining issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

Appn. No. 10/065,486  
Docket No. 124695/GEM-0058

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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